**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**APPELLATE SIDE**

**CIVIL APPLICATION NO.6330 of 2005.**
**IN**
**FIRST APPEAL ST.NO.29008 OF 2005.**

---

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders.

---

Shri J.J.Xavier for the Applicant.

Shri S.G.Bhandary i/by M/s.Bhandary & Bhandary for the Respondent.

**CORAM : ABHAY S.OKA, J.**
**DATED : 3rd August, 2006.**

**P.C.:**

1. Heard the learned Advocates for the Applicant and the Respondent. The Advocate appearing for the Respondents states that the Civil Application for condonation of delay is filed on 1st December 2005 and the Appeal is filed on 13th December 2003. I find that the said statement is not correct as presentation forms of both the Appeal and Application show that the same are filed on 13th December 2005. In any event the said contention raised is not relevant for deciding the application for condonation of delay. There is no reply filed to the Application. However, the Application is strongly opposed. After having heard the Advocates appearing for the parties and after perusing the Application, I am satisfied that

a case for condonation of delay is made out.

2. Accordingly Rule is made absolute in terms of prayer clause (a) subject to the Applicants paying costs of Rs.5,000/- to the Respondent within a period of four weeks from today.

**Judge.**